

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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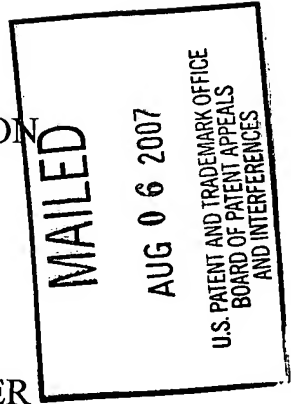
*Ex parte* RICHARD C.E. DURRANT and MAURICE FITZGIBBON

Application 10/816,749  
Technology Center 2800

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on July 26, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, this application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

On May 11, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, pp. 2-3, paragraph 8, the Examiner has failed to list Stoy (US 5,066,091) as applied to the statement of rejections in the Grounds of Rejection, paragraph 9 of the Examiner's Answer.


Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, a listing of *all* references mentioned in the Grounds of Rejection, paragraph 9. *See the Manual of Patent Examining Procedure (MPEP) § 1207.02.*

Application 10/816,749

Accordingly, it is *ORDERED* that the application is returned to the Examiner:

- (1) to issue and mail a PTOL-90 which shall include *all* references mentioned in paragraph 9 (Grounds of Rejection), in accordance with the above instruction; and
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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PJN/hh